



Memorandum

Date: June 13, 2006
To: Planning Commission
From: Community Development Department
Subject: ZONING AMENDMENT, ZA-05- 30: City of Morgan Hill-Cochrane Plaza

REQUEST

A request for approval of a proposed amendment to the permitted uses for the Cochrane Plaza Shopping Center located on the south east corner of the intersection of Cochrane Rd. and Sutter Blvd.

RECOMMENDATION

Environmental Assessment: A Negative Declaration was approved as part of previous Council actions.

Application ZA-05-30 Recommend City Council approval, subject to the findings and conditions contained in attached Resolution.

DISCUSSION

In February 2006 the City Council approved a ballot measure which proposed an amendment to the PUD zoning for the Cochrane Plaza shopping center. The proposed amendment would remove the prohibition on grocery supermarkets and add grocery supermarkets as a permitted use within the PUD. The measure appeared on the June 6 ballot as Measure H.

The Santa Clara County Registrar of Voters web site indicates that 82 percent of the voters approved Measure H. In anticipation of the election certification, the Planning Commission is asked to review the implementation of Measure H which requires an amendment to Section II A 2 of Ordinance 835 N.S.

Attached for consideration is a resolution recommending City Council approval of an amendment to Ordinance 835. Text proposed to be eliminated from Section II A 2 of Ordinance 835 is shown in ~~strike-out~~ and added text is shown in ***bold italic***.

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORGAN HILL RECOMMENDING APPROVAL AN AMENDMENT TO ORDINANCE 835 SECTION II A. 2 ELIMINATING THE EXCLUSION OF GROCERY SUPERMARKETS FROM THE LIST OF PERMITTED USES ALLOWED WITHIN THE PORTION OF THE MORGAN HILL BUSINESS PARK ZONED COMMERCIAL PUD.

WHEREAS, such request was considered by the Planning Commission at their regular meeting of June 13, 2006, at which time the Planning Commission recommended approval of an amendment to Ordinance 835; and

WHEREAS, testimony received at a duly-noticed public hearing, along with exhibits and drawings and other materials have been considered in the review process.

**NOW, THEREFORE, THE MORGAN HILL PLANNING COMMISSION DOES
RESOLVE AS FOLLOWS:**

SECTION 1. The proposed amendment is consistent with the Zoning Ordinance and the General Plan.

SECTION 2. The ordinance amendment is required in order to serve the public convenience, necessity and general welfare as directed in the text of Measure H approved by the voters of the City of Morgan Hill on June 6, 2006.

SECTION 3. An environmental initial study has been prepared for this zoning amendment and has been found complete, correct and in substantial compliance with the requirements of California Environmental Quality Act. A Negative Declaration was filed prior to placing the measure on the June ballot.

SECTION 4. The Planning Commission hereby recommends amending Ordinance 835 N.S. Section II A 2. as follows:

The permitted uses and development criteria for the portion of the Morgan Hill Business Park designated by this ordinance as "PUD-Commercial" are as follows:

PUD-COMMERCIAL

Permitted Uses: Retail stores (~~but excluding grocery supermarkets~~), **grocery supermarkets**, wholesale business, restaurants, offices and professional offices, financial services, personal services, services agencies, banks and lending institutions, coffee shops, cocktail lounges, private educational facilities, wine tasting, parking garages, day care facilities and nursery schools.

RESOLUTION NO.

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**PASSED AND ADOPTED THIS 13th DAY OF JUNE 2006, AT A REGULAR MEETING
OF THE PLANNING COMMISSION BY THE FOLLOWING VOTE:**

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ATTEST:

APPROVED:

Frances Smith, Deputy City Clerk

Ralph Lyle, Chair